



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

चिमला, बीरबार, 23 अगस्त, 2001/1 मार्गपद, 1923

हिमाचल प्रदेश सरकार

[Authoritative English text of this Department Notification No. Rev. B.A. (3) 7/2001, dated the 6th August, 2001 as required under clause (3) of Article 348 of the Constitution of India].

REVENUE DEPARTMENT

NOTIFICATION

Shimla-2, the 6th August, 2001

No. Rev.B.A. (3) 7/2001.—In exercise of the powers vested in him under section 168 (1) (g), read with section 169 of the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954), the Governor, Himachal Pradesh proposes to make the following rules, to carry out the provisions of the Act *ibid* and the same are hereby published for the information of general public.

Any person who has any objection(s)/suggestion(s) to the proposed rules may send the same to the Financial Commissioner-cum-Secretary-(Revenue) to the Government of Himachal Pradesh, Shimla-171 002, within a period of 30 days from the date of publication in the Rajapatra, Himachal Pradesh.

The Objection(s)/suggestion(s) if any, received within the period specified above shall be duly considered by the Government before finalising these rules, namely:—

THE HIMACHAL PRADESH LAND REVENUE RULES, 2001

1. *Short title, extent and commencement.*—(1) These rules may be called the Himachal Pradesh Land Revenue Rules, 2001.

(2) They shall extend to the whole of Himachal Pradesh.

(3) They shall come into force at once.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(a) "Act" means the Himachal Pradesh Land Revenue Act 1953 (Act 6 of 1954).

(b) "Section" means the section of the Act.

(c) All other words and expressions used in these rules but not defined in the rules shall have the same meaning respectively assigned to them in the Act.

Numbardar :

3. (i) A sufficient number of Numbardars and equal number of additional Numbardars shall be appointed to every estate or a group of estates within a Patwar Circle, and this number when once fixed shall not be increased nor reduced except by the order of the Commissioner.

(ii) If an estate or a considerable portion thereof is owned by the Government, the Numbardar may be appointed from among the tenants. In other estates he shall be appointed from among the land owners.

(iii) The lessee of the land revenue or produce of an uncultivated or forest estate owned by Government shall be during the currency of his lease the Numbardar thereof.

Explanation.—In Kangra, Kullu and Lahaul Spiti District, for the purposes of this rule the estate shall mean the mauza, tappa, kothi or other officially recognized unit as the Collector, subject to the orders of the Commissioner, shall determine.

4. In the appointment of Numbardar, regard shall be had among other matters to:—

(a) his academic qualification which should at least be matriculation or its equivalent;

(b) extent of property in the Numbardari circle held by the candidate;

(c) services rendered to the State by himself or by his family;

(d) his personal influence, character, ability and financial solvency;

(e) his residential status;

5. (i) a Numbardar shall be dismissed when:—

(a) he is sentenced to imprisonment ; or

(b) in an estate owned altogether or chiefly by Government he ceases to possess the interest which led to his appointment ; or

(c) in any other estate he ceases to be a land owner in the estate in respect of which he holds office ; or

(d) he has mortgaged his holding and has delivered possession to the mortgagee ; but in special cases the Collector may retain him in his office under such circumstances, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties ; or

6. (e) his holding has been transferred under section 77 of the Land Revenue Act, or the assessment thereof has been annulled under section 79 of the Act.

(ii) A Numbardar may be dismissed when:—

- (a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office; or
- (b) he is seriously embarrassed by debt, or if his unencumbered holding is so shall so as to disqualify him in the Collector's opinion for the responsibilities attached to the office of Numbardar; or
- (c) owing to age or physical or mental incapacity or absence from the estate, he is unable to discharge the duties of his office; or
- (d) there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine, opium, charas etc.; or
- (e) he neglects to discharge his duties, or is otherwise shown to be incompetent.

6. (i) In an estate owned chiefly or altogether by Government, a successor to the office of Numbardar shall be selected with due regard to all the considerations, stated in rule-4.

Provided that in such an estate notified for the purpose by the Commissioner, the selection shall, as far as possible, be made in the manner prescribed by sub-rule (ii) if a suitable heir is forthcoming.

(ii) In other estate the nearest eligible heir shall be appointed unless some special custom succession to the office be distinctly proved, but subject in every case to the following provisions :—

- (a) the claim of the nearest heir of last incumbent to succeed shall not be admitted solely on the ground of inheritance.
- (b) where Numbardar has been dismissed in accordance with the provisions of rule-5, the Collector may refuse to appoint any of his heirs.
- (1) if the circumstances of the offence, dereliction of duty, or disqualification, which the Numberdar was dismissed make it probable that he would be unsuitable as a Numbardar.
- (2) If there is reason to believe that he has connived at the offence or dereliction of duty for which the Numbardar has been dismissed.
- (3) If any disqualification for which the Numbardar has been dismissed attaches to him.

Note.—If a dismissed Numbardar's heir is considered fit to succeed, regard shall be had to the property which he will inherit, in like manner as if he had already inherited it.

(c) The Collector may also refuse to appoint person claiming as an heir on any ground which would necessitate or justify the dismissal of person from the office of the Numbardar.

(iii) Failing the appointment of an heir, a successor to the office shall be appointed in the manner and with regard to the considerations, described in rule-4.

(iv) Election shall not in any case be resorted to as an aid in making appointments under this rule and rule-3.

7. (i) Where an office becomes vacant in consequence of any proceedings taken for the recovery of an arrear of land revenue under sections 76-77 & 78 of the Act, the transferee, agent or farmer who under those proceedings obtains possession of the land on which the arrears were due may, in the discretion of the Collector, be appointed to the vacant office.

(ii) Where a Numbardar, who as a land owner is individually responsible for more than half the land revenue of an estate, or a group of estates in respect of which he holds office, has mortgaged his entire holding and has delivered possession thereof to the mortgagee, and his office of Numbardar has become vacant in consequence thereof, the mortgagee may, at the discretion of the Collector, be appointed to the vacant office.

(iii) On the termination of such transfer, farm or attachment as is referred to in sub-rule (i), or on the release of any such mortgage as is referred to in sub-rule (ii), a Numbardar appointed under this rule shall cease to hold office, and a new Numbardar shall be appointed with reference to the considerations stated in rule-4.

8. Where the population of members of the Scheduled Castes or Scheduled Tribes ascertained at the last preceding census is 50% or more in an estate, there shall be appointed one additional Numbardar from amongst the members of the Schedules Castes or Scheduled Tribes as the case may be, subject to the following conditions:—

(i) in appointing the Numbardar, regard shall be had among other matters to:

- (a) services rendered to the State by himself or by his family;
- (b) his personal influence, character, ability and financial solvency;

(ii) he shall be dismissed when he is sentenced to imprisonment.

(iii) he may be dismissed when:—

- (a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office : or
- (b) he is seriously embarrassed by debt; or
- (c) owing to age or physical or mental incapacity or absence from the estate, he is unable to discharge the duties of his office;
- (d) there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine, opium or charas-etc ;
- (e) he neglects to discharge his duties, or is otherwise shown to be incompetent;

(iv) He shall perform all duties prescribed in rule-9 of these rules except those prescribed in clauses (i) to (iv) thereof.

(v) He shall not be entitled to any remuneration in the form of pachotra etc.

9. In addition to the duties imposed upon Numbardar by law for any purpose, a Numbardar shall:—

- (i) Collect by due date all land revenue and all sums recoverable as arrears of land revenue from the estates, in which he holds office, and pay the same personally at the place and time appointed in that behalf to the Revenue officer or assignee empowered by Government to receive it;
- (ii) Collect the rents and other income of the common land and account for them to the persons entitled thereto;
- (iii) Acknowledge every payment received by him in the books of the land owners and tenants;
- (iv) Defray joint expenses of the estates and render account thereof as may be duly required of him;
- (v) Report to the Tehsildar the death of any assignee of land revenue or Government pensioner residing in the estate or the marriage or re-marriage of a female drawing a family pension and residing in the estate or the absence of any such person for more than a year;

- (vi) Report to the Tehsildar all encroachments on roads including village roads or on government waste land and injuries to or appropriations of Nazul property situated within the boundaries of the estate;
- (vii) Report any injury to government building made over to his charge ;
- (viii) Carry out, to the best of his ability, any order that he may receive from the Collector requiring him to furnish information, or assist in providing payment supplies or means of transport for troops or for officers of government on duty;
- (ix) Assist in such manner as the Collector may from time to time direct at all crop inspections, recording of mutations, surveys and demarcations, preparations of record of rights or other revenue business carried on within the limits of the estates;
- (x) Attend the summons of all authorities having jurisdiction in the estate, all officers of the government in the execution of their public duties, supply to the best of his ability, any local information which those officers may require and generally act for the land owners, tenants and residents of the estate in which he holds office in their relations with the government;
- (xi) Report to the Patwari any outbreak of epidemic diseases:
- (xii) Report to the Patwari the deaths of any right holder in the estates;
- (xiii) Report any breach or cut in government irrigation canals or channels to the nearest cannal officer;
- (xiv) Under the general or special directions of the Collector, to assist by the use of his personal influence and otherwise all officers of the government and other persons, duly authorized by the Collector in the collection and enrolment of recruits for military service whether combatant or non-combatant;
- (xv) Render all possible assistance to the village Postman while passing the night in the village, in safeguarding the cash and other valuables that he carries:

Provided that the additional Numbardar shall perform all duties prescribed in this rule except duties laid down in clause (i) to (iv) above.

10. (i) The remuneration of a Numberdar in an estate owned chiefly or altogether by government shall be such a portion of the village officer's cess or of the income accruing to government from the estate as may be sanctioned by the Financial Commissioner.

(ii) In other estates, the remuneration of a Numbardar shall be the remuneration fixed by the State Government from time to time.

(iii) The Collector may at any time revise and alter the existing arrangements in an estate regarding the collection of the land revenue by the different Numbardars and the division of the remuneration between them:

Provided that the additional Numbardar shall not be entitled to any remuneration.

11. (i) Where an estate is owned by non-resident Numbardar, he may nominate, with the Collector's approval a substitute to discharge the duties of Nambardar from among the residents in the estate. If the non-resident owner fails to nominate a fit person, the Collector may appoint a substitute from among the resident right holders.

(ii) Where, in an estate owned by more land owners than one, non-resident Numbardar is liable, either individually or as a representative of the non-resident land owners, for more than half the land revenue of the estate, a substitute for such Numbardars may the Collector shall be appointed from among the resident right holders. In making such appointments the Collector shall consult the non-resident Numbardar.

12. Where, by reason of old age, physical infirmity, or absence from his circle or village with the permission of the Collector a Numbardar, or by reason of minority, or other cause, a Numbardar is unable to perform the duties of his office in person, a substitute may be appointed to discharge those duties. A substitute appointed under this or the preceding rule, shall be deemed to be, and shall be equally with the person in whose behalf he is appointed the village officer, appointed to the office and the Collector may in each such case direct, from time to time, whether the duties of the office shall be performed by the substitute or the substantive holder, or by both concurrently.

13. (i) When the person on whose behalf the substitute was appointed vacates his office the tenure of office by the substitute shall thereupon abate.

(ii) Save as provided in sub-rule (i) an order appointing a substitute shall remain in force until it is revoked, or until the substitute dies or is dismissed or resigns.

14. (i) In appointing a substitute who is minor Numbardar, the Collector shall select any land-owner resident in the village, or any resident tenant if the case falls under rule 3 (ii).

(ii) In making other substitute appointments under rule-11, the Collector shall consult the substantive holder of the office when he is capable of expressing his wishes in the matter. Any resident land-owner in the estate or circle, as the case may be, or any resident tenant in cases falling under rule 3 (ii) shall be eligible for appointment as a substitute under this sub-rule.

(iii) In judging the fitness of a person for appointment as a substitute under this rule, regard shall be had to the property which he will inherit from the person he is intended to represent in like manner as if he already inherited it.

(iv) A substitute may be removed at any time by the Collector either on his own motion or, except in the case of a substitute for a minor Numbardar, at the request of the person for whom the substitute is acting, for any reason which would justify the removal of the substantive holder of the office or for any other reason which the Collector thinks sufficient.

15. (i) For special reason to be recorded in the order appointing a substitute, the person in whose stead a substitute is appointed may be permitted to enjoy a portion not exceeding a moiety of the remuneration of the office.

(ii) In the absence of any such order a substitute is entitled to the whole remuneration of the office.

Estates and survey Marks :

16. At every angle on the boundary between two estates and at such other places on the boundary lines as may be necessary for the convenient determination of the boundary, pillars as may be specified by the Financial Commissioner.

17. At every point where the boundaries of more than two estates meet, a tri-junction pillar of the specifications as may be prescribed by the Financial Commissioner from time to time, shall be erected.

Procedure of Revenue Officers :

18. (i) The statements and pleadings made by or on behalf of parties to revenue proceedings, whether oral or written, shall be as brief as the nature of the case admits, and shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statements or pleading is made believes to be material to the case and which the party admits or believes that it will be able to prove.

(ii) Every written application or statements filed a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.

19. The death of one of the parties to a revenue proceeding, shall not cause the proceeding to abate and the Revenue Officer before whom the proceeding is held shall have power to make the successor in interest of the deceased a party thereto.

20. In fixing date for hearing of the parties and the witnesses, in adjourning proceedings and in dismissing applications in default or for other sufficient reasons, a Revenue Officer will, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure as laid down in Civil Procedure Code.

21. The provisions of sections 75, 78 of the Civil Procedure Code and of Schedule-1, Order XXVI, annexed to the said code in respect of commissions shall apply in the case of proceedings before a Revenue Officer.

22. (i) A Officer may at his discretion award to a witness attending on summons a sum on account of his expenses not exceeding the sum to which the witness would have been entitled for a like attendance in a Civil Court.

(ii) The sum so awarded shall be costs in the proceedings.

23. In proceedings under section-35 sub-section-5 of the Land Revenue Act, no detailed record of the statements of parties and witnesses shall be made, but the order of the Revenue Officer shall state briefly the persons examined by him, the facts to which they deposed and the grounds of the order. The Revenue Officer shall afford reasonable opportunity of being heard to all parties and shall also get affixed signatures or thumb impression as the case may be, of all the parties present, on the foil of the mutation.

24. The Revenue Officer shall follow the procedure for defining limits of any estate, portion of any estate, or of any holding or any field, as may be laid down by the Financial Commissioner from time to time.

25. In other proceedings under the Land Revenue Act, the Revenue Officer shall make with his own hand a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

26. In every proceedings in which an order is passed on merits after inquiry, the Revenue Officer making the order shall also record a brief statement of the reasons on which it is founded.

27. (i) Proceeding in which costs have been incurred, the final order shall apportion the costs between the parties to the proceeding.

(ii) Costs thus apportioned if not paid, shall be recoverable by the Revenue Officer as if it were an arrears of land revenue.

28. (i) Orders of ejectment from, and delivery of possession of immovable property shall be enforced in the manner provided in the Code of Civil Procedure for the time being in force in respect of the execution of a decree whereby a Civil Court has adjudged ejectment from, or delivery of possession of such property.

(ii) And in the enforcing of these orders, a Revenue Officer shall have all the powers in regard to contempt, resistance and the like which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-rule (i).

Execution of Certain Orders of Civil and Criminal Courts Through Revenue Officers :

29. When the produce of any land has been attached in pursuance of an order for its attachment and the sale addressed to the Collector by a Civil or Criminal Court, the Collector shall direct that an appraisement of the attached produce be made by a Revenue Officer or by the Kanungo of the circle in which the land is situated. The produce shall not be sold until the appraisement has been approved by the Collector or by a Revenue Officer appointed in that behalf by the Collector.

30. Sale of the produce of the land shall be made by a Revenue Officer or by the Field Kanungo of the circle in which the land is situated. When the sale is made by the Kanungo it shall be carried out in the presence of village headman.

31. When produce sold by a Kanungo consists of movable property, the purchase money shall not be received nor shall the sale become absolute until the sale has been confirmed by the Collector, or by a Revenue Officer named by the Collector.

32. When an order of a Civil Court is sent to the Collector for the execution of a decree for the possession of land, the Collector shall give possession to the decree-holder on the date specified in the decree or in the directions issued by the Civil Court executing the decree. If no date is specified in the decree or by Civil Court and the land, of which possession is to be given, is in the cultivating possession of the judgment debtor, the Collector shall at once refer to the Civil Court for instructions as to whether or not he is to delay execution until any crop which may have been sown by the judgment debtor and is standing on the land has been removed.

Collection of Rates and Cesses :

33. (i) Where the annual land-revenue of an estate is payable at one harvest the demand of each year from that estate on account of rates and cesses shall be paid at the same harvest.

(ii) In all other cases the demand of each year from that estate on account of rates and cesses shall be paid in two instalments, namely, one at the kharif harvest and the other at the rabi harvest, and each instalment shall bear the same proportion to the total demand of the year as the instalment or instalments of land-revenue due on the same estate for the same harvest bears to the total land revenue payable by the estate for the same year.

34. Rates and cesses due at each harvest shall be payable on the date on which the first instalment of land revenue due from the same estate on account of the same harvest is payable.

35. Where no land revenue is payable by an estate the rates and cesses due therefrom shall be payable by the same instalments and at the same dates by and at which the rates and cesses of the adjacent estates are payable and the Collector shall by order determine the instalments and dates which are applicable under this rule.

Process Fees :

36. For the service of every writ of demand, warrant of attachment and for warrant of arrest or other process for the collection of revenue under chapters VI & VII of the Himachal Pradesh Land Revenue Act, a charge at the rates to be fixed by notification by the Government, shall be levied.

Recovery of Arrears :

37. (i) An application under section 102 of the Land Revenue Act shall state:—

- (a) the name and description of the defaulter;
- (b) the arrear of which recovery is desired;
- (c) the circumstances which have made the application necessary.

(ii) Any number of defaulters residing in the same estate may, at the discretion of the Revenue Officer to whom to the application is made, be included in the same application but the arrears due from each defaulter shall be separately specified.

38. (i) If the application is on the prescribed form and the arrears of which recovery is desired has not been due for more than six months, the Revenue Officer shall fix a date for the hearing of the case, and serve a writ of demand on the defaulter together with a notice requiring him to appear on the date so fixed, if the demand has not in the mean time been paid.

(ii) If the arrears has been due for more than six months the application shall be rejected, unless the applicant satisfies the Revenue Officer that the delay in realizing the arrears is not due to his neglect. And, if so satisfied, the Revenue Officer shall proceed as in sub-rule (i).

39. On and after the date fixed for attendance of the defaulter, the Revenue Officer shall make a inquiry into existence of the arrears, and if it is proved, he shall record and order stating the amount of the arrears and the person who is the defaulter, and shall thereafter proceed to recover the same.

40. A defaulter who under section 75 (A) (2) of the Land Revenue Act, is being kept under personal restraint may be allowed to be released on bail but he shall not absent himself from the place to be specified by the Revenue Officer ordering the restraint during certain hour until ten days have elapsed from the commencement of his detention, unless the arrears be sooner paid.

41. No defaulter shall be detained under section 75 (A) (2) of the Act or confined under section 75 (A) (3) for an arrears unless it is due from him or from a co-owner.

42. If in any case an Assistant Collector of the 2nd Grade decides to keep a defaulter arrested by warrant under detention instead of causing him to be taken before the Collector, he shall without delay report his action to the Collector, for information, if the detention exceeds twenty four hours.

43. When it is proposed to sell an estate or holding or any other immovable property under section 81 or section 83 of the act, such estate or holding or immovable property shall in the first place be attached in the manner prescribed in section 78.

44. The statements prescribed by clause (a) of sub-section (2) of section 32 of the Act shall recorded in the form set forth below to be known as Jamabandi with such additions/ alterations as the Financial Commissioner may prescribe from time to time.

1. Khewat or Jamabandi Number.
2. Khatauni Number.
3. Name of patti or Taraf, with name of lambarar and revenue.
4. Owner with description.
5. Cultivator with description.
6. Well or other means of irrigation.
7. Field number.
8. Area of each field and total of khewat along with classification of land.
9. Rent paid by cultivator, rate and amount.
10. Share or measure of right and rule of bachh.
11. Demand with detail of Revenue and cesses.
12. Remarks.

45. *Repeal and Savings.* The Punjab Land Revenue Rules (as applicable in Himachal Pradesh) are hereby repealed:

Provided notwithstanding such repeal of the said rules anything done or any action taken in exercise of powers conferred by rules so repealed, shall be deemed to have been done or taken under these rules;

By order,
F. C.-cum-Secretary.